

TITLE 78 RECODIFICATION - TITLE 78A**CHAPTER 9**

2008 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

Title 78A, Chapter 9, Attorneys.

Highlighted Provisions:

This bill:

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Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**RENUMBERS AND AMENDS:**

78A-9-101, (Renumbered from 78-2-4.5, as renumbered and amended by Laws of Utah 2001, Chapter 4)

78A-9-102, (Renumbered from 78-7-35.1, as renumbered and amended by Laws of Utah 2001, Chapter 46)

78A-9-103, (Renumbered from 78-9-101, as enacted by Laws of Utah 2001, Second Special Session, Chapter 3)

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78A-9-101**, which is renumbered from Section 78-2-4.5 is renumbered and amended to read:

[78-2-4.5]. 78A-9-101. Admission to state bar -- Criminal history background checks.

(1) The Utah State Bar shall require each person applying for admission to the Utah State Bar to submit a complete set of fingerprints for the purpose of conducting a national

32 criminal history background check.

33 (2) Fingerprints of applicants for admission to the Utah State Bar shall be submitted to
34 the Department of Public Safety, Bureau of Criminal Identification to be used to conduct a
35 criminal history background check and to the Federal Bureau of Investigation to obtain a
36 national criminal history background check.

37 (3) The criminal history background information obtained from the Department of
38 Public Safety and the national criminal history background information obtained from the
39 Federal Bureau of Investigation pursuant to this section may be used by the Utah State Bar to
40 determine an applicant's character, fitness, and suitability for admission to the Utah State Bar.

41 Section 2. Section **78A-9-102**, which is renumbered from Section 78-7-35.1 is
42 renumbered and amended to read:

43 **[78-7-35.1]. 78A-9-102. Fees for certificate of admission.**

44 The appellate courts shall receive a \$50 fee for a certificate of admission as attorney
45 and counselor, \$30 of which shall be retained by the state treasurer for the benefit of the State
46 Law Library, to be expended by the Judicial Council.

47 Section 3. Section **78A-9-103**, which is renumbered from Section 78-9-101 is
48 renumbered and amended to read:

49 **[78-9-101]. 78A-9-103. Practicing law without a license prohibited --**
50 **Exceptions.**

51 (1) Unless otherwise provided by law, a person may not practice law or assume to act
52 or hold himself out to the public as a person qualified to practice law within this state if he:

- 53 (a) is not admitted and licensed to practice law within this state;
54 (b) has been disbarred or suspended from the practiced of law; or
55 (c) is prohibited from doing so by court order entered pursuant to the courts' inherent
56 powers or published court rule.

57 (2) The prohibition against the practice of law in Subsection (1) shall be enforced by
58 any civil action or proceedings instituted by the Board of Commissioners of the Utah State Bar.

59 (3) Nothing in this section shall prohibit a person from personally and fully
60 representing his own interests in a cause to which he is a party in his own right and not as an
61 assignee.

